

Delaware water quality to improve as a result of new wastewater system regulations

DOVER (Jan. 7, 2014) – Delaware’s revised wastewater system regulations will become effective Jan. 11, 2014. The regulations keep pace with changes in technology for large and small systems, protect public health and reduce pollution in groundwater, streams, rivers and bays, helping Delaware to meet its goal of achieving clean water. The changes correspond to regulations in effect for the past four years in Delaware’s Inland Bays Watershed. They also protect homebuyers from acquiring malfunctioning septic systems.

“Clean water is vital to the quality of life we enjoy in Delaware,” said Secretary Collin O’Mara. “The revised septic regulations are essential for protecting the health of our families, strengthening our economy and ensuring cleaner, healthier water quality for our precious bays, rivers and streams for years to come.”

Currently almost all of Delaware’s rivers and streams are impaired – considered unswimmable and unhealthy for aquatic life due to excess nutrients – nitrogen, phosphorus and bacteria– that are entering our waterways. DNREC’s Division of Water estimates that approximately 18 percent of the state’s 70,000 septic systems may be malfunctioning. Failing septic systems are sources of groundwater contamination, making it important to replace older, malfunctioning systems to prevent potential health hazards and improve water quality.

The regulatory changes represent the culmination of more than five years of work by DNREC staff that included 13 workshops and three public hearings, answering questions and gathering input from homeowners, state legislators, realtors,

businesses, the wastewater industry, and public utilities. After each workshop and hearing, the draft regulations were amended to reflect public comment.

The revised regulations include requirements for small residential septic systems of less than 2,500 gallons of wastewater treated per day, as well as large community and commercial systems of more than 2,500 gallons of wastewater treated per day. Several sections of the regulations include phase-in effective dates.

Among other changes, the regulations effective Jan. 11, 2014:

- Require inspection of all septic systems prior to property transfers
 - Most if not all mortgage lending institutions currently require the inspection of a septic system prior to sale.
 - This requirement informs a buyer of a system's type and condition and protects a homebuyer from acquiring a malfunctioning septic system.
- Clarify the permitting process for siting, installing and maintaining all small systems
- Create new inspection protocols for system contractors and inspector
- Allow homeowners to maintain their own innovative/alternative system, once certified through a homeowner training program
- Standardize the permitting process for spray irrigation and on-site systems
- Include procedures for distributing treated wastewater for agricultural use and other authorized purposes

Regulations effective Jan. 2015:

- Require the elimination of cesspools and seepage pits under certain situations
- Require the upgrade of all new and replacement systems

within 1,000 feet of tidal portions of the Nanticoke River and Broad Creek, which will assist Delaware in meeting federal targets to clean up the Chesapeake Bay Watershed

- Establish statewide performance standards for all innovative/alternative systems
- Require all manufacturers of concrete system components (septic tanks, dosing chambers, etc.) to be certified through the On-Site Wastewater Accreditation Program

Regulations effective Jan. 2016:

- Require waste haulers to report septic tank pump-outs
- Create a new licensee category for construction inspectors

Delaware's Septic Rehabilitation Loan Program (SRLP) is available to help eligible property owners meet regulatory requirements. The program provides low interest loans to assist homeowners with the costs of replacing malfunctioning septic systems or cesspools. The loans are secured by a mortgage lien on the rehabilitated property. A loan of \$1,000 to \$35,000 for individual systems and \$250,000 (maximum for community or mobile home park systems) can be repaid over 20 years with no prepayment penalty. For homeowners who may not qualify for the SRLP, the Septic Extended Funding Option (SEFO) can provide loans covering 100 percent of replacement costs with no repayment due until the property transfers. Under SEFO, if the property is not sold within 20 years of the loan closing, the debt is forgiven.

The program is managed by DNREC's Financial Assistance Branch with technical assistance from the Ground Water Discharges Branch, in partnership with First State Community Action Agency of Georgetown/Dover. For more information contact, DNREC's Financial Assistance Branch at 302-739-9941 or visit [Septic Rehabilitation Loan Program](#).

The new wastewater system regulations can be found [on DNREC's website](#), as can [the Secretary's Order](#). For more information contact Jack Hayes, Ground Water Discharges Section at 302-739-9327.

To learn more about the different types of septic systems, how they work and the importance of effectively treating wastewater, watch DNREC's *Septic 101* video online at [Septic 101](#) video.

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